

FILED 3 JAN '22 10:32 USDC-ORF

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

MERTON GERALD BEAN,

Plaintiff,

v.

**OFFICER ISSAH DUARTE; JEFFERSON
COUNTY; JEFFERSON COUNTY
SHERIFF'S OFFICE; MADRAS POLICE
DEPARTMENT**

Defendant.

) **Case No.** 3:22-cv-00014-MC

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CIVIL COMPLAINT

**--JURY DEMAND--
U.S.Const.Amend.7**

COMES NOW plaintiff, pro se, and alleges as follows:

I. PARTIES

Plaintiff:

Merton Gerald Bean
EOCI#7252872
2500 Westgate
Pendleton, OR 97801

Plaintiff is pro se

Defendant No. 1 Name: Issah Duarte
Street Address: _____
City, State & Zip Code: _____
Telephone No.: _____

Defendant No. 2 Name: Jefferson County
Street Address: 66 SE D. Street
City, State & Zip Code: Madras, OR 97741
Telephone No.: 541-475-4451

Defendant No. 3 Name: Jefferson County Sheriff's Office
Street Address: _____
City, State & Zip Code: _____
Telephone No.: _____

Defendant No. 4 Name: Madras Police Department
Street Address: 125 SW E. Street
City, State & Zip Code: Madras, OR 97741-1685
Telephone No.: (541) 475-2424

II. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. You are bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. What federal constitutional, statutory, or treaty right(s) is/are at issue?

U.S. Const. Amend. 8 (cruel + unusual punishment, excessive force) and 14 (denial of due process and equal protection).

III. STATEMENT OF CLAIMS

Claim I

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

On or around 3-4-21, officer Issah Duarte assaulted me severely. I suffered a concussion, several lacerations, bruises, damaged testicles, my hair was ripped out, and I suffered nerve damage. I was sent to the hospital due to this excessive force and police brutality. I did nothing to provoke this attack and I was not under arrest at the time.

Claim II

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

Claim III

State here as briefly as possible the facts of your case. Describe how each defendant was involved, when the conduct occurred, and any injuries you have suffered as a result. It is not necessary to give any legal arguments or cite any cases or statutes.

(If you have additional claims, describe them on another piece of paper, using the same outline.)

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

I have filed for administrative relief as to all claims in Section III and have concluded all administrative appeals available to me.

☒ Yes

☐ No

V. RELIEF

State briefly exactly what you want the court to do for you and the amount, if any, of monetary compensation you are seeking. Make no legal arguments. Cite no cases or statutes.

I want a jury trial, and I want
\$10,000 in compensatory damages for
my medical bills, and I want \$500,000
in punitive/remedial award for
suffering police brutality and
excessive force.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of December, 2021

Merton Gerald Beam
(Signature of Plaintiff)